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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2011-400*

12 **DEBBIE HARDING, a.k.a. DEBBIE**  
13 **MARIE HARDING**  
14 **11835 El Camara Drive**  
**Florissant, MO 63033-8116**  
15 **Registered Nurse License No. 662907**

**A C C U S A T I O N**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about August 8, 2005, the Board of Registered Nursing issued Registered  
24 Nurse License Number 662907 to Debbie Harding, also known as Debbie Marie Harding  
25 (Respondent). The Registered Nurse License will expire on February 28, 2011, unless renewed.  
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4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 2761 of the Code states:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

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1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

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1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
2 action.”

3 ...  
4 “(b) Procuring his or her license by fraud, misrepresentation, or mistake.

5 ...  
6 “(e) Making or giving any false statement or information in connection with the application  
7 for certificate or license.”

#### 8 DRUGS

9 8. “**Xanax**” is a Section IV controlled substance pursuant to Health and Safety Code  
10 section 11057(d)(1) and a dangerous drug pursuant to Business and Professions Code section  
11 4022. Xanax is the brand name for the controlled substance, Alprazolam (a benzodiazepam  
12 derivative).

13 9. “**Percocet**” is a Schedule II controlled substance pursuant to Health and Safety Code  
14 section 11055(b)(1)(N) and a dangerous drug pursuant to Business and Professions Code section  
15 4211. Percocet is the brand name for the narcotic substance **Oxycodone** (a synthetic opioid  
16 analgesic) with the non narcotic substance acetaminophen.

#### 17 COST RECOVERY

18 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licentiate found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case.

#### 22 FIRST CAUSE FOR DISCIPLINE 23 (Unprofessional Conduct – Out of State Discipline) 24 (Bus. & Prof. Code §2761(a)(4))

25 11. Respondent has subjected her registered nurse license to disciplinary action under  
26 Code section 2761(a)(4) in that on or about May 12, 2005, in a disciplinary action before the  
27 Missouri State Board of Nursing (Missouri Board), the Missouri Board entered a Settlement  
28 Agreement with Respondent ordering that Respondent be censured.

12. The underlying conduct supporting the Missouri Board's disciplinary action is that on or about March 24, 2004, while working at DePaul Health Center ("DePaul") in St. Louis, Missouri, Respondent removed .25 milligrams of Xanax from a patient in one room and attempted to administer the Xanax to a patient another room. The patient who Respondent attempted to administer the Xanax to did not have a physician's order for Xanax. When confronted by her preceptor about the medication error, Respondent informed her preceptor that she would obtain a physician's order for the Xanax at a later time. On this same date, Respondent removed Milk of Magnesia from the Pyxis and attempted to administer it to a patient without a doctor's order. Respondent informed her preceptor that she would obtain a doctor's order for the Milk of Magnesia at a later time. On this same date, Respondent wrote an order for Risperdal 2.5 milligrams and Milk of Magnesia 20 milligrams in the wrong patient's folder. Lastly, on or about March, 20, 2004, while working at DePaul, Respondent administered Percocet to a patient one hour earlier than prescribed.

## SECOND CAUSE FOR DISCIPLINE

**(Unprofessional Conduct – Misrepresentation in Procuring License)**  
**(Bus. & Prof. Code §2761(b))**

13. Complainant realleges the allegations contained in paragraphs 11 and 12 above, and incorporates them by reference as if fully set forth.

14. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761(b) in that she procured her nursing certification from the Board through misrepresentation. The circumstances are as follows:

15. On or about April 26, 2004, Respondent submitted her Application for Licensure by Endorsement (Application) to the California Board of Registered Nursing. In signing her Application, Respondent agreed that she fully understood her obligation to immediately report any disciplinary action taken against any of her health related licenses or certificates between the date of her application and the date that her California registered nurse license was issued, and that failure to do so could result in subsequent disciplinary action against her license. Despite clearly understanding her obligation to report any such disciplinary action, Respondent did not

1 notify the Board of the above disciplinary action taken against her Missouri registered nurse  
2 license on or about May 12, 2005. Respondent's California registered nurse license was issued  
3 on or about August 8, 2005.

4 THIRD CAUSE FOR DISCIPLINE  
(Unprofessional Conduct – False Statement or Information in Application)  
(Bus. & Prof. Code §2761(e))

6 16. Complainant realleges the allegations contained in paragraphs 11, 12, and 15 above,  
7 and incorporates them by reference as if fully set forth.

8 17. Respondent has subjected her registered nurse license to disciplinary action under  
9 Code section 2761(e) in that she made or gave false statements and information to the Board in  
10 connection with her application for issuance of her California registered nurse license. The  
11 circumstances are set forth above in paragraphs 11, 12, and 15.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
14 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 662907, issued to Debbie  
16 Harding, also known as Debbie Marie Harding;
- 17 2. Ordering Debbie Harding, also known as Debbie Marie Harding to pay the Board of  
18 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
19 pursuant to Business and Professions Code section 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

22 DATED: October 27, 2010 Louise R. Bailey  
23 LOUISE R. BAILEY, M.ED., RN  
24 Interim Executive Officer  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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